

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

SINGULAR COMPUTING LLC,

Plaintiff,

v.

GOOGLE LLC,

Defendant.

Civil Action No. 1:19-cv-12551-FDS

Hon. F. Dennis Saylor IV

**PLAINTIFF SINGULAR COMPUTING LLC’S ASSENTED TO MOTION TO
IMPOUND PURSUANT TO LOCAL RULE 7.2**

Pursuant to Local Rule 7.2 and the Protective Order in this case (“Protective Order”), ECF No. 87, Plaintiff Singular Computing LLC (“Singular”) respectfully requests that this Court impound (seal) (i) Plaintiff’s Memorandum of Law in Support of Plaintiff’s Motion for Expedited Briefing and to Compel Production of Documents (“Memo”) and (ii) Exhibits A, C to G to the Declaration of Daniel McGonagle. The exhibits to be sealed are identified below.

The Protective Order allows a party to designate discovery material as “Highly Confidential Attorney’s Eyes Only” after making a determination “it contains or reflects information that is extremely confidential and/or sensitive in nature and the Producing Party reasonably believes that the disclosure of such Discovery Material is likely to cause economic harm or significant competitive disadvantage to the Producing Party.” Protective Order ¶8(a). The Protective Order also allows a party to designate discovery material as “Confidential” after making a determination that “it contains or reflects confidential, proprietary, and/or commercially sensitive information.” That Order requires that a party intending to make court filings referring to material designated as “Highly Confidential Attorney’s Eyes Only” to bring a motion to impound. *Id.* ¶ 14. The following exhibits to the McGonagle Declaration contain

documents that Google has designated as “Highly Confidential Attorney’s Eyes Only” or “Confidential”:

- Exhibit A is Defendant Google LLC’s Responses and Objections to Plaintiff’s Second Set of Requests for Production (Nos. 103-115) which contains information that Google designated as “Confidential,”
- Exhibit C is a document produced bearing Bates number GOOG-SING-00048553 which Google designated as “HIGHLY CONFIDENTIAL- ATTORNEY’S EYES ONLY.”
- Exhibit D is a document produced bearing Bates number GOOG-SING-00075793 which Google designated as “HIGHLY CONFIDENTIAL-ATTORNEYS’ EYES ONLY” and “HIGHLY SENSITIVE TECHNICAL MATERIAL.”
- Exhibit E is a document produced bearing Bates number GOOG-SING-00079853 which Google designated as “HIGHLY CONFIDENTIAL-ATTORNEYS’ EYES ONLY” and “HIGHLY SENSITIVE TECHNICAL MATERIAL.”
- Exhibit F is a document produced bearing Bates number GOOG-SING-00082576 which Google designated as “HIGHLY CONFIDENTIAL-ATTORNEYS’ EYES ONLY” and “HIGHLY SENSITIVE TECHNICAL MATERIAL.”
- Exhibit G is a document produced at GOOG-SING-00026944.R which Google designated as “HIGHLY CONFIDENTIAL- ATTORNEYS’ EYES ONLY.”

Singular’s Memo quotes from and discusses excerpts from these documents. A redacted, public version of Singular’s Memo will be filed concurrently with this Motion.

For the foregoing reasons, Singular respectfully requests that the Court permit it to file (i) the above-identified exhibits under seal and (ii) those portions of Singular’s Memo that quote from and discuss these exhibits because Google has designated this material as “Highly Confidential Attorney’s Eyes Only” or “Confidential.” Singular further requests that the documents remain impounded until further order by the Court, and that upon expiration of the impoundment that the documents be returned to Singular’s counsel.

Dated: June 22, 2021

Respectfully submitted,

/s/ Paul J. Hayes

Paul J. Hayes (BBO #227000)

Matthew D. Vella (BBO #660171)

Kevin Gannon (BBO #640931)

Daniel McGonagle (BBO #690084)

Brian M. Seeve (BBO #670455)

PRINCE LOBEL TYE LLP

One International Place, Suite 3700

Boston, MA 02110

Tel: (617) 456-8000

Fax: (617) 456-8100

Email: phayes@princelobel.com

Email: mvella@princelobel.com

Email: kgannon@princelobel.com

Email: dmcgonagle@princelobel.com

Email: bseeve@princelobel.com

ATTORNEYS FOR THE PLAINTIFF

LOCAL RULE 7.1(a)(2) CERTIFICATION

I hereby certify that counsel for Singular conferred with Defendant's counsel in a good-faith attempt to resolve or narrow the issue raised by this motion. Defendant's counsel informed me that Google assents to the relief sought in this motion.

/s/ Daniel McGonagle

CERTIFICATE OF SERVICE

I certify that on June 22, 2021, I served this document on Defendant by causing a copy to be sent via electronic mail to its counsel of record.

/s/ Daniel McGonagle